

## **REMARKS**

This paper is being submitted in response to the Office Action mailed in the application on December 17, 2004. Claims 1-21, 26, 27 and 30-43, including withdrawn claims 13-20, are pending. Claims 1-12 and 21 have been allowed. Claims 27, 31, 36 and 38 have been amended and claims 26, 30, 32-35, 40 and 41 have been cancelled without prejudice. Claims 44-57 have been added by this amendment.

A check for payment of the fee for the added claims (\$700) is being filed with this Amendment. Authorization is granted to charge our deposit account No. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has rejected claims 36-39, 42 and 43 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Particularly, according to the Examiner, there is no disclosure in the specification for the image pickup apparatus as defined by the combination of claim limitations in claim 36 and in claim 38, comprising a moving member for moving said display part to a second position in which said display part is stowed in the image pickup apparatus, wherein when the display part is in the second position, third direction of said display part substantially coincides with second direction of said body.

Applicants' claims 36 and 38, which have been amended to overcome this rejection, now recite that when the display part is in the first position, third direction of said display part substantially coincides with second direction of said body, and when said display part is in the second position, first direction of said display part substantially coincides with second direction of said body, as shown in FIGS. 5 and 6 of applicants' specification. Claims 36 and 38, as

amended, and their respective dependent claims 37, 39, 42 and 43, are therefore submitted as patentable.

The Examiner has rejected applicants' claims 26, 27 and 30-35 under 35 U.S.C. § 102(e) as being anticipated by Kamamoto et al. (U.S. Patent No. 5,932,429). The Examiner has rejected claims 26, 27, 30-35, 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Yamano et al. (U.S. Patent No. 6,067,116) in view of Jin (U.S. Patent No. 5,659,361). Applicants have cancelled claims 26, 30, 32-35, 40 and 41 thereby rendering the Examiner's rejections thereto moot. With respect to applicants' claims 27 and 31, as amended, and added claims 44 and 45, from which claims 27 and 31 now depend, the Examiner's rejections are respectfully traversed.

New claim 44 recites an image pickup apparatus having the same elements as canceled claim 26, including a display part, body with first operation face having a first operation member, and moving member for moving the display part to a first position and to a second position, wherein the moving member includes a first moving member which enables the display part to rotate around a first shaft so that the display part moves toward an upper side of the first operation face, and a second moving member which enables the display part to rotate around a second shaft substantially perpendicular to the first shaft, and wherein when the display part is in the first position, a major-side direction of the display part substantially coincides with a major-side direction of the body, and when the display part is in the second position, a minor-side direction of the display part substantially coincides with a major-side direction of the body. Unlike canceled claim 26, however, new claim 44 recites that the moving member moves the display part to a first position in which said display part makes the

picked-up image viewable, and to a second position in which said display part is stowed in the image pickup apparatus body.

Similarly, new claim 45 recites an image pickup apparatus having the same elements as canceled claim 30, including a display part, body with first face, and moving member for moving the display part to a first position and to a second position, wherein the moving member includes a first moving member which enables the display part to rotate around a first shaft so that the display part moves toward an upper side in the image pickup apparatus, and a second moving member which enables the display part to rotate around a second shaft substantially perpendicular to the first shaft, and wherein when the display part is in the first position, a major-side direction of the display part substantially coincides with a major-side direction of the body, and when the display part is in the second position, a minor-side direction of the display part substantially coincides with a major-side direction of the body. Unlike canceled claim 30, however, new claim 45 recites that the moving member moves the display part to a first position in which said display part makes the picked-up image viewable, and to a second position in which said display part is stowed in the image pickup apparatus body.

Applicants submit that the constructions recited in new claims 44 and 45 are not taught or suggested by the cited art of record. According to the Examiner, the Kamamoto patent discloses an image pickup apparatus with a moving member for moving the display part to a first position in which the first operation face of the body is covered by the display part and a second position in which the first operation face is not covered by the display part and is exposed outside (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5), wherein when said display part is in the first position, a major-side direction of said display part substantially coincides with a

major-side direction of said body, and when said display part is in the second position a minor-side direction of said display part substantially coincides with a major-side direction of said body (e.g., FIGS. 2-5).

Applicants submit there is nothing taught or suggested in the Kamamoto et al. patent of a moving member for moving said display part to a first position in which said display part makes the picked-up image viewable, and a second position in which said display part is stowed in the image pickup apparatus body, wherein when the display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body.

Specifically, as shown in FIGS. 2-4, the display of the video camera taught by Kamamoto et al. is opened and closed by rotating the display from the side of the camera body in a horizontal direction (along line “b”), and as shown in FIG. 5 of the Kamamoto et al. patent, the display can be tilted or rotated about a horizontal axis. There is, however, nothing shown or suggested in the Kamamoto et al. patent of the display part in a first position, such that the picked-up image is viewable, wherein a major-side direction of said display part substantially coincides with a major-side direction of said body. Accordingly, Kamamoto et al. fail to teach or suggest the moving member as required by applicants’ new independent claims 44 and 45. Applicants’ claims 27 and 31, which now depend from claims 44 and 45, respectively, are therefore also submitted as patentable.

The Yamano et al. patent cited by the Examiner also does not teach or suggest the structural features of applicants’ invention. Particularly, Yamano et al. does not teach a moving member as recited in claims 44 and 45. According to the Examiner, Yamano et al. discloses an image pickup apparatus including a moving member for moving the display part to

a first position in which the first operation face is covered by the display part (upper cover 202 is closed) and a second position in which the first operation face is not covered by the display part (upper cover 202 is open; FIG. 2), wherein when the display part is in the first position, a major-side direction of the display part substantially coincides with a major-side direction of said body. However, such does not teach or suggest a moving member for moving said display part to a first position in which said display part makes the picked-up image viewable, and a second position in which said display part is stowed in the image pickup apparatus body, wherein when the display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body, as required by applicants' claims 44 and 45. The cited Jin patent adds nothing to change this conclusion.

Further, applicants' newly added independent claims 46 and 49 also recite a moving member for moving said display part to a first position in which said display part causes the picked-up image to view, and a second position in which said display part is stowed in the image pickup apparatus body, wherein when the display part is in the first position, a major-side direction of said display part substantially coincides with a major-side direction of said body. Applicants' newly added independent claims 52 and 55 recite a moving member for moving said display part to a first position in which said display part causes the picked-up image to view, and a second position in which said display part is stowed in the image pickup apparatus body, wherein when the display part is in the first position, a third direction of said display part substantially coincides with a second direction of said body. Claims 46, 49, 52 and 55 are also submitted as patentable.

In view of the above, it is submitted that applicants' claims 27, 31, 36-39, and 42-57 patentably distinguish over the cited art of record. If the Examiner believes that an interview

would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9278.

Dated: March 17, 2005

Respectfully submitted,

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